

REMARKS

Claims 1-17 are now pending in the application. Claims 1-17 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lincoln (U.S. Pat. No. 6,005,866). This rejection is respectfully traversed.

A. Regarding Claims 1-5, Applicant respectfully submits that Lincoln does not describe, show or suggest all the recitations of amended Claim 1. For example, Applicant respectfully submits that Lincoln does not describe, show or suggest a method for controlling data flow using a leaky bucket data flow control scheme that includes adjusting a granularity of the leaky bucket data flow scheme with a *granularity scalar* parameter, the granularity scalar parameter modifying the leaky bucket data flow control scheme *to modify the granularity of information relating to the level of the leaky bucket* to control data flow.

Rather, Lincoln describes a method of dynamic connection rate scheduling with fine granularity for ABR modes of traffic by adjusting *the rate for a connection* in response to feedback, whereby *I and L parameters* associated with a leaky bucket algorithm can be adjusted to change *the rate for a connection* for ABR modes of traffic. Additionally, ABR manager 44 can also adjust the *rate for a connection* utilizing the ABR mode of traffic in response to feedback. Manager 44 can write *new I and L parameters* which are stored in memory 48 to adjust the *connection rate* according to a bucket algorithm.

Thus, Lincoln does not describe, show or suggest adjusting the granularity of the leaky bucket data flow scheme with a *granularity scalar* parameter, wherein the granularity scalar parameter modifies the leaky bucket data flow control scheme *to modify the granularity of information relating to the level of the leaky bucket* to control data flow. Rather, Lincoln discloses dynamic rate scheduling by adjusting *I and L parameters* of a leaky bucket algorithm to adjust the rate of connection.

Thus, Lincoln does not adjust *the granularity of information utilized* by a leaky bucket scheme, but rather merely adjusts the integer values I and L used by a leaky bucket scheme. Additionally, one skilled in the art would understand that the values L and I relate to data packet length and rate. Thus, furthermore Lincoln does not modify *information relating to the level of the leaky bucket*, but rather changes the integer values L and I that relate to data packet length and rate.

Therefore, for at least the reasons set forth above, Applicant submits that Lincoln does not describe, show or suggest the recitations of Claim 1. Accordingly, Applicant submits that Claim 1 is patentable over Lincoln.

Claims 2-5 depend from amended Claim 1. Accordingly, when the recitations of Claims 2-5 are considered in combination with the recitations of amended Claim 1, Applicant submits that Claims 2-11 are likewise patentable over Lincoln.

B. Regarding Claims 6-12, Claim 6 has been amended, as set forth above, to recite somewhat similar limitations to those argued above with regard to Claim 1. Therefore, Applicant submits that amended Claim 6 is also patentable over Lincoln at least for the reasons set forth above.

Claims 7-12 depend from amended Claim 6. Accordingly, when the recitations of Claims 7-12 are considered in combination with the recitations of amended Claim 6, Applicant submits that Claims 7-12 are likewise patentable over Lincoln.

C. Regarding Claims 13-17, Claim 13 has been amended, as set forth above, to recite somewhat similar limitations to those argued above with regard to Claim 1. Therefore, Applicant submits that amended Claim 13 is also patentable over Lincoln at least for the reasons set forth above.

Claims 14-17 depend from amended Claim 13. Accordingly, when the recitations of Claims 14-17 are considered in combination with the recitations of amended Claim 13, Applicant submits that Claims 14-17 are likewise patentable over Lincoln.

For at least the reasons set forth above, Applicant respectfully request that the §102 rejections of Claims 1-17 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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